

Message

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**From:** Young, Nichole [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DE6D7F1C18F94AEB89C71047E9772E42-YOUNG, NICH]  
**Sent:** 9/7/2022 8:20:55 PM  
**To:** Gillespie, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0debd47dbc364b2abc314422100d2790-Gillespie, David]  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

NO thank you! Talk to you in the am.

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**From:** Gillespie, David <Gillespie.David@epa.gov>  
**Sent:** Wednesday, September 7, 2022 3:20 PM  
**To:** Young, Nichole <young.nichole@epa.gov>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

K, thanks.

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**From:** Young, Nichole <young.nichole@epa.gov>  
**Sent:** Wednesday, September 7, 2022 3:15 PM  
**To:** Gillespie, David <Gillespie.David@epa.gov>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Sure you can call me around 7-7:30

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**From:** Gillespie, David <Gillespie.David@epa.gov>  
**Sent:** Wednesday, September 7, 2022 3:13 PM  
**To:** Young, Nichole <young.nichole@epa.gov>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Hi Nichole. I have looked at it. Can we have a call tomorrow morning to discuss this response? I am available from 7 am to 9:30 am.

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**From:** Young, Nichole <young.nichole@epa.gov>  
**Sent:** Wednesday, September 7, 2022 2:59 PM  
**To:** Gillespie, David <Gillespie.David@epa.gov>  
**Subject:** FW: Sen. Cruz staff Qs RE: NSR and GP questions

David,

My apologies I know you're busy. Just wanted to know if you've had a chance to look. External affairs wants your concurrence on my response to ted crud.

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**From:** Young, Nichole  
**Sent:** Tuesday, September 6, 2022 3:49 PM  
**To:** Gillespie, David <Gillespie.David@epa.gov>  
**Subject:** FW: Sen. Cruz staff Qs RE: NSR and GP questions

David, Can you review my response to the inquiry below?

# Ex. 5 Deliberative Process (DP)

**From:** Acevedo, Janie <[Acevedo.Janie@epa.gov](mailto:Acevedo.Janie@epa.gov)>

**Sent:** Tuesday, September 6, 2022 3:31 PM

**To:** Young, Nichole <[young.nichole@epa.gov](mailto:young.nichole@epa.gov)>; Vela, Austin <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)>; Larsen, Brent <[Larsen.Brent@epa.gov](mailto:Larsen.Brent@epa.gov)>

**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Thanks Nichole! Before we vet the suggested response with the front office, can you run this thru the Water attorney for concurrence? Still Renea Ryland right?

Thanks,

Janie Acevedo-Beauchamp

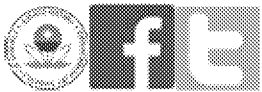
Staff Director,

Intergovernmental, Congressional, Multimedia and Press

Office of External Affairs

Region 6 – Dallas

214-665-2120



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**From:** Young, Nichole <[young.nichole@epa.gov](mailto:young.nichole@epa.gov)>

**Sent:** Tuesday, September 6, 2022 2:39 PM

**To:** Vela, Austin <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)>; Larsen, Brent <[Larsen.Brent@epa.gov](mailto:Larsen.Brent@epa.gov)>

**Cc:** Acevedo, Janie <[Acevedo.Janie@epa.gov](mailto:Acevedo.Janie@epa.gov)>

**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Austin

# Ex. 5 Deliberative Process (DP)

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**From:** Vela, Austin <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)>  
**Sent:** Tuesday, September 6, 2022 1:02 PM  
**To:** Young, Nichole <[young.nichole@epa.gov](mailto:young.nichole@epa.gov)>; Larsen, Brent <[Larsen.Brent@epa.gov](mailto:Larsen.Brent@epa.gov)>  
**Cc:** Acevedo, Janie <[Acevedo.Janie@epa.gov](mailto:Acevedo.Janie@epa.gov)>  
**Subject:** Fwd: Sen. Cruz staff Qs RE: NSR and GP questions

Hey Nichole and Brent - hope you both had a good weekend. Please see the follow up questions from the Senator's staffer. For the parts we can be responsive, can you let me know how much time you'll need to draft a response?  
Thanks!

Sent from my iPhone

Begin forwarded message:

**From:** "Schindler, James (Cruz)" <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>  
**Date:** September 2, 2022 at 12:05:18 PM CDT  
**To:** "Vela, Austin" <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)>  
**Cc:** "Borum, Denis" <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

EPA colleagues,

I hope all is well. Thank you for the prompt responses thus far. A few quick questions: First, I received the invite to last night's public meeting on this topic, however sadly I was unable to attend, so apologies if this was covered in that meeting.

Since it now appears clear that there won't be a new NPDES GP in place on October 1, I understand that the offshore industry folks will need to operate under an administrative continuance of the existing NPDES GP.

1. I understand from your last response that an operator can't obtain coverage for a *new* facility during this administrative continuance, but what about changes to their existing coverage?
2. I understand that operators submit Notices of Intent (NOI) to obtain coverage under a NPDES GP, and the NOIs include specific information such as vessel names and well locations. I also understand that sometimes this information needs to be changed before or even after an operation occurs. Will operators be able to alter their previously-approved NOIs during the administrative continuance, such as if they need to alter the rig, well site location, or discharge type?
3. Has EPA discussed with the offshore industry, or provided guidance to them, the permitting process they should follow after September 30 and during the administrative continuance?
  1. If so, what was their general response?
  2. If not, will EPA be providing them with guidance?
4. Does EPA still believe there won't be impacts to new or existing GOM production?

Thank you again and have a good weekend!

**James Schindler**  
*Legislative Counsel*  
Office of Senator Ted Cruz  
127A Russell Senate Office Building  
Washington, DC 20510

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**From:** Vela, Austin <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)>  
**Sent:** Monday, August 1, 2022 1:06 PM  
**To:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>  
**Cc:** Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Hey James – hope you had a good weekend and apologies for the delay in responding. During the administrative continuance period an operator with existing coverage will maintain coverage for all facilities that were covered prior to permit expiration. If an existing operator wishes to obtain coverage for a facility that is not currently authorized, they should do so prior to the expiration of the permit. An existing operator cannot obtain coverage for a new facility (that was not previously authorized prior to permit expiration) during the administrative continuance period.

Please let me know if that helps clarify. Thanks!

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**From:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>  
**Sent:** Wednesday, July 27, 2022 2:55 PM  
**To:** Vela, Austin <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)>  
**Cc:** Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>  
**Subject:** Re: Sen. Cruz staff Qs RE: NSR and GP questions

Austin and Denis, thank you both for the clarifications.

Last question (for now), if the GP is administratively extended does that mean a person with existing permits will be able to apply for and receive new permits after the GP expires under that administrative extension?

On Jul 7, 2022, at 4:27 PM, Vela, Austin <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)> wrote:

Hey James – as a quick introduction, my name is Austin Vela and I'm the congressional liaison for TX in EPA's regional office. My colleague Denis requested assistance as he was out of the office to put together a response to your follow up questions, which I've provided here. Please let us know if you have any additional questions. Thanks!

**Response:**

We're not yet sure that there is going to be a lapse, as it is theoretically possible that we may be able to issue before the end of September. The permit will automatically go in administrative continuance for all permittees with existing coverage as provided by the administrative procedures act. No existing production will be impacted. We are proactively offering a public hearing so there will be no delays if one is requested after the permit is public noticed and are acting as quickly as possible to get the permit issued before expiration.

If operators anticipate needing to discharge after 9/30 and do not already have coverage that will automatically be administratively continued during any gap in permit availability, they could always get coverage prior to 9/30 even if discharges have not yet begun and report "no discharge" until they start discharging. If so, no impact since they would be covered by the administratively continued permit.

Even if not reissued by 9/30, we do not anticipate a long period before the permit could be issued and effective again. We do not know if any operators would need new permit coverage during this short timeframe.

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**From:** Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>  
**Sent:** Tuesday, June 28, 2022 2:22 PM  
**To:** Vela, Austin <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)>  
**Subject:** FW: Sen. Cruz staff Qs RE: NSR and GP questions

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**From:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>  
**Sent:** Monday, June 27, 2022 11:58 AM  
**To:** Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>; Thundiyil, Karen <[Thundiyil.Karen@epa.gov](mailto:Thundiyil.Karen@epa.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>  
**Cc:** Swint, Matthew (Cruz) <[Matthew\\_Swint@cruz.senate.gov](mailto:Matthew_Swint@cruz.senate.gov)>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Denis, thank you for last week's response. I have some follow-up questions:

1. Will there definitely be a lapse, since it looks like EPA is out of time if it hasn't published the draft yet? If so, how long is "short"? – weeks, months, years?
2. Won't a lapse impact production on existing leases for activities that are not requested prior to Sept. 30 (e.g., new discharges requested after Sept. 30 without a GP in place)?
3. Roughly how much production will be impacted by that lapse?
4. What can the agency do to accelerate the renewal and minimize impacts on production? Will the agency be doing that?

Thank you again,

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**From:** Schindler, James (Cruz)  
**Sent:** Thursday, June 23, 2022 3:56 PM  
**To:** 'Borum, Denis' <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Hi Denis, thank you for that, message received.

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**From:** Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>  
**Sent:** Thursday, June 23, 2022 3:53 PM  
**To:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Hi again, James –

The new Region 6 Offshore Oil & Gas draft general permit is close to being issued for public notice. Once the permitting authority initiates the public notice period, any interested person may submit written comments on the draft permit and accompanying fact sheet and/or request a public hearing on the draft permit. In the event that there is a short lapse between the expiration of the current permit and the effective date of the reissuance, new dischargers that wish to have authorization under the current permit, may apply for permit coverage prior to the expiration date of September 30<sup>th</sup>. Current dischargers under the current permit will have their coverage administratively continued if a new permit is not issued by the expiration date of the current permit.

Please let me know if you have additional questions.

Denis

Denis R. Borum  
Congressional Liaison Specialist  
Office of Congressional and Intergovernmental Relations  
U.S. Environmental Protection Agency  
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Washington, D.C. 20460  
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(202) 527-1386 (mobile phone)  
(202) 501-1549 (fax)  
[borum.denis@epa.gov](mailto:borum.denis@epa.gov) (e-mail)

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**From:** Borum, Denis  
**Sent:** Tuesday, June 21, 2022 11:01 AM  
**To:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>; Thundiyil, Karen <[Thundiyil.Karen@epa.gov](mailto:Thundiyil.Karen@epa.gov)>  
**Cc:** Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Hi, James – I'm checking into the NPDES GP and will follow-up with you soon.

Denis R. Borum  
Congressional Liaison Specialist

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(202) 501-1549 (fax)  
[borum.denis@epa.gov](mailto:borum.denis@epa.gov) (e-mail)

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**From:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>  
**Sent:** Tuesday, June 21, 2022 10:38 AM  
**To:** Thundiyil, Karen <[Thundiyil.Karen@epa.gov](mailto:Thundiyil.Karen@epa.gov)>  
**Cc:** Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Thank you Karen for the reply. Is there any update on the second question about GP's for offshore?

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**From:** Thundiyil, Karen <[Thundiyil.Karen@epa.gov](mailto:Thundiyil.Karen@epa.gov)>  
**Sent:** Tuesday, June 21, 2022 10:27 AM  
**To:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>  
**Cc:** Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Hi James,

I found out that EPA does not maintain a list of NSR permits. More than 90% of NSR permitting is done by state/local agencies. Our experts suggested contacting EIA since they track current refining capacity, but they weren't sure if EIA would have anything on projected expansions.

EPA does have a database that tracks control technology determinations. I can send you info on that if helpful, but again because more than 90% of the permitting is done by state/local agencies, and because those agencies are not required by law or rule to submit their determinations, the information is generally incomplete.

Thanks again for your patience on this. Take care,

Karen.

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**From:** Thundiyil, Karen  
**Sent:** Friday, June 17, 2022 2:04 PM  
**To:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>  
**Cc:** Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>  
**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Hi James,

Glad we could touch base over the phone yesterday. I just tried to reach you by phone but I didn't catch you. I wanted to let you know we are still checking on what kind of info we have that captures what you are looking for regarding NSR permits/petroleum refineries. I hope to have a more substantive update for your next week.

Thank you for your patience. Take care,

Karen.

**Karen Thundiyil**

Office of Congressional Affairs

U.S. Environmental Protection Agency

(202) 564.1142

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**From:** Thundiyil, Karen

**Sent:** Thursday, June 16, 2022 10:40 AM

**To:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>

**Cc:** Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>

**Subject:** RE: Sen. Cruz staff Qs RE: NSR and GP questions

Hi James – thanks for reaching out with your NSR question. I'm not sure if we have that data at HQ or if it needs to be compiled from the regional offices. I'm checking. In the meantime, please let know any background you can share and more about your sense of timing.

Take care,

Karen.

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**From:** Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>

**Sent:** Wednesday, June 15, 2022 5:05 PM

**To:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>; Haman, Patricia <[Haman.Patricia@epa.gov](mailto:Haman.Patricia@epa.gov)>; Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>

**Cc:** Thundiyil, Karen <[Thundiyil.Karen@epa.gov](mailto:Thundiyil.Karen@epa.gov)>

**Subject:** Sen. Cruz staff Qs RE: NSR and GP questions

hi James,

Thanks for your email. I've added other folks here to assist with your Qs below.

thanks,  
Carolyn

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*Carolyn Levine*

*Office of Congressional and*

*Intergovernmental Relations*

*U.S. EPA*

*(202) 564-1859 (forwarded)*

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**From:** Schindler, James (Cruz) <[James\\_Schindler@cruz.senate.gov](mailto:James_Schindler@cruz.senate.gov)>

**Sent:** Wednesday, June 15, 2022 5:02 PM

**To:** Thundiyil, Karen <[Thundiyil.Karen@epa.gov](mailto:Thundiyil.Karen@epa.gov)>; Levine, Carolyn <[Levine.Carolyn@epa.gov](mailto:Levine.Carolyn@epa.gov)>

**Subject:** NSR and GP questions

Karen and Carolyn, I hope you are well. My apologies if you aren't the right points of contact, and if not could you connect me with those who are.

I'm writing with two questions for the EPA experts, and because of the timing, having these answers as soon as possible is greatly appreciated!

1. Are there any pending New Source permits for gasoline/diesel refineries or expansions under review by EPA? Can you provide a list? I tried looking on the website, but was unsuccessful.

2. The general permit for offshore oil/gas operators on the Outer Continental Shelf to discharge processed water expires September 30, 2022 (according to [this](#)). Is that still true? Where is the agency in process and what is the timing with issuing a new GP? Is the agency able/planning to extend the existing GP in the event a new one cannot be issued before the current one expires? What is the plan if the existing GP cannot be extended?

Thank you,

**James Schindler**

*Legislative Counsel*

Office of Senator Ted Cruz

127A Russell Senate Office Building

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